

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN BROSNAN,

No. C 07-02169 SI

Plaintiff,

v.

**ORDER DISMISSING ACTION FOR  
FAILURE TO PROSECUTE**

AMERICAWIDE INC., et al.,

Defendants.

Plaintiff filed this complaint on April 19, 2007. According to the January 24, 2008 report and recommendation issued by Magistrate Judge Laporte, plaintiff failed to pursue his case from July 27, 2007, through December 29, 2007. Plaintiff then failed to appear at a status conference on January 15, 2008, and failed to respond to an order to show cause filed on January 16, 2008. Accordingly, Judge Laporte recommended that the Court dismiss the case for failure to prosecute.

On February 4, 2008, this Court issued an order to show cause why the case should not be dismissed for failure to prosecute. On February 14, 2008, plaintiff filed a response stating that he intended to prosecute this case, and that he was in the process of gathering evidence to prove damages. At a March 7, 2008 case management conference, the Court set a deadline of March 21, 2008, for plaintiff to file a motion for default judgment, with a hearing on the motion scheduled for April 25, 2008. Plaintiff did not file a motion for default judgment, and did not appear on the day of the hearing. The Court then issued a second order to show cause why the case should not be dismissed for failure to prosecute. Plaintiff had until May 7, 2008 to show cause, but failed to file a response until May 14, 2008. Based on this record, the Court finds it appropriate to dismiss this action for failure to prosecute. Accordingly, the Court DISMISSES this action without prejudice.

**IT IS SO ORDERED.**

Dated: May 22, 2008



SUSAN ILLSTON  
United States District Judge